



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/717,782	11/21/2000	Nicholas P. De Luca	F-1418-P

CONFIRMATION NO. 8541

## FORMALITIES LETTER



\*OC000000005915110\*

Donald C. Feix  
241 North San Mateo Drive  
San Mateo, CA 94401

Date Mailed: 03/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.

---

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attorney's Docket No. 1418-P



04C  
04-04-01

Section

#6  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nicholas P. De Luca, et al.

Application No.: 09/717,782

Group No. 3721

Filed: November 21, 2000

For: INFLATABLE, CUSHIONING, BUBBLE  
WRAP PRODUCT HAVING MULTIPLE,  
INTERCONNECTED, BUBBLE STRUCTURES

Examiner: Unknown

Assistant Commissioner for Patents

Washington, D.C. 20231

---

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and any other papers or documents referred to as being transmitted therewith are being deposited with the United States Postal Service on this date APRIL 9, 2001 in an envelope as First Class Mail addressed to: Box M Fee, Assistant Commissioner for Patents, Washington, D.C. 20231.

Sharon S. Feix

Signature of Person Mailing Paper

---

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION  
FILED UNDER 37 CFR 1.53(b)  
Filing Date Granted**

Dear Sir:

Encl. 1 In response to the *Notice to File Missing Parts of Nonprovisional Application* mailed March 29, 2001, please find enclosed (as enclosure 1) a photocopy of a returned post card from the Patent Office mail room which acknowledges the PTO's receipt of the executed Declaration and the \$600.00 filing fee mailed from this office on March 8, 2001, together with a *Completion of Filing Requirements – Nonprovisional Application*.

Response to Notice mailed 3/29/2001  
Serial No. 09/717,782  
Page 2

Encl. 2        Also enclosed (as enclosure 2) is a copy of the *Completion of Filing Requirements* – *Nonprovisional Application* mailed March 8, 2001 wherein it was stated on the first page that a *Notice to File Missing Parts* had not yet been received. The executed declaration by the inventors and check No. 10745 for \$600.00 to pay the filing fee are attached to the *Completion of Filing Requirements* document.

Encl. 3        Enclosed as enclosure 3 is an original *Formalities Letter (Confirmation No. 8541)* mailed March 29, 2001 which is to be returned with the enclosed Reply to the *Notice to File Missing Parts*.

With this explanation it is believed that all matters presented in the *Notice to File Missing Parts of Nonprovisional Application* have been responded to and complied with.

Respectfully submitted,

*Donald C. Feix*

Donald C. Feix  
Attorney for Applicant  
241 North San Mateo Drive  
San Mateo, CA 94401  
Telephone: 650-342-4508

Registration No. 19,328  
IDON 302565



☒ ~~Box~~ Missing Part Assistant Commissioner for Patents - Washington, D.C. 20231  
☐ Box \_\_\_\_\_ Assistant Commissioner for TM's - 2200 Crystal Drive, Arlington, VA 22202-3513

The stamp of the U.S. Patent and Trademark Office  
herein acknowledges receipt of the following:

Dkt. No. F1418P ☐ TM ☒ Pat Utility ☐ Pat Design ☐ Provisional Pat  
Applicant(s) ~~Patent(s)~~ Nicholas De Luca, et al.  
Serial No. ~~Patent No.~~ 09/717,782  
Filed ~~Issued~~ Nov. 21, 2000

Title ~~Mark~~ Inflatable, Cushioning, Bubble Wrap Product Having

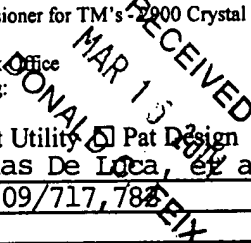
Multiple, Interconnected, Bubble Structure

☐ Transmittal(s) (Pages \_\_\_\_\_) ☐ Assignment  
☐ Specifications - Application (Pages \_\_\_\_\_) ☐ Trademark Specimens  
☐ Claims (Pages \_\_\_\_\_) Abstract (Pages \_\_\_\_\_) ☐ Small Entity Statement  
☐ Sheet(s) Formal or Informal Drawings ☒ Certificate of Mailing  
☒ Declaration & Power of Attorney (7 pages) ☐ 37 CFR 1.8A  
☒ 37 CFR 1.10

☒ Other: Completion of Filing Requirements - Nonprovisional app

☒ Check No. 10745 Amount \$600.00 For: filing fee, 2 mos.  
ext. and surcharge

☒ Date Mailed: March 8, 2001 Express Mail Label: EK846489936US  
SF DCF



Practitioner's Docket No. F-1418-P

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Nicholas De Luca, et al.

Application No.: 09 / 717,782 Group No.:

Filed: Nov. 21, 2000

Examiner:

For: Inflatable, Cushioning, Bubble Wrap Product Having Multiple,  
Interconnected, Bubble Structure

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS  
— NONPROVISIONAL APPLICATION**

*(check and complete this item, if applicable)*

- I. ☐ This replies to the Notice to File Missing Parts of Application (PTO-1533)  
mailed \_\_\_\_\_

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☐ A copy of the Notice to File Missing Parts of Application—Filing Date  
Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

- [x] A Notice to File Missing Parts of Application has not been  
been received by applicant.

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***  
*(Express Mail label number is mandatory.)*  
*(Express Mail certification is optional.)*

I hereby certify that this paper is being deposited with the United States Postal Service on this date  
March 8, 2001 in an envelope as "Express Mail Post Office to Addressee," Mailing Label  
Number EK846489936US addressed to the: Assistant Commissioner for Patents, Washington,  
D.C. 20231.

Sharon S. Feix

*(type or print name of person mailing paper)*

Sharon S. Feix

*Signature of person mailing paper*

## DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

## OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

"(B) serial number and filing date;

"(C) attorney docket number which was on the specification as filed;

"(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a), 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

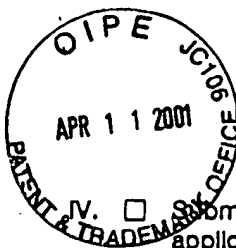
(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims \_\_\_\_\_ inclusive.



**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

**SMALL ENTITY STATUS**

V.

☒ A statement that this filing is by a small entity

(check and complete applicable items)

**Small Entity Status (37 CFR 1.27) - FORMS NO LONGER  
REQUIRED (Eff. Sept. 8, 2000):**

• Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

**COMPLETION FEES**

VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

- ☒ original patent application  
(37 C.F.R. § 1.16(a)—\$690.00; Small entity—\$345.00) \$ 345.00
- ☐ design application  
(37 C.F.R. § 1.16(f)—\$310.00; small entity—\$155.00) \$ \_\_\_\_\_  
\$ \_\_\_\_\_

2. Fees for claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. § 1.16(b)—\$78.00; small entity—\$39.00) \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 C.F.R. § 1.16(c)—\$18.00; small entity—\$9.00) \$ \_\_\_\_\_
- ☐ multiple dependent claim(s)  
(37 C.F.R. § 1.16(d)—\$260.00; small entity—\$130.00) \$ \_\_\_\_\_

(Completion of Filing Requirements — Nonprovisional Application [5-1]—page 3 of 6)



3. Surcharge fees

- ☒ late payment of filing fee and/or late filing of original declaration or oath  
(37 C.F.R. § 1.16(e))—\$130.00; small entity—\$85.00; \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under § 37 C.F.R. § 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than all the inventors or a person not the inventor  
(37 C.F.R. §§ 1.17(l) and 1.47)—\$130.00

\$ \_\_\_\_\_

5. ☐ Fee for processing an application filed with a specification in a non-English language  
(37 C.F.R. §§ 1.17(k) and 1.52(d))—\$130.00

\$ \_\_\_\_\_

6. ☐ Fee for processing and retention of application  
(37 C.F.R. §§ 1.21(l) and 1.53(d))—\$130.00

\$ \_\_\_\_\_

7. ☐ Assignment (See "ASSIGNMENT COVER SHEET".)

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. §§ 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

Total completion fees

\$ 410.00

**EXTENSION OF TIME**

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ 190.00

If an additional extension of time is required, please consider this a petition therefor.



(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 190.00

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 410.00

Extension fee (if any) \$ 190.00

Total Fee Due \$ 600.00

### PAYMENT OF FEES

IX.

- ☒ Enclosed is a check in the amount of \$ 600.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_
- A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please charge Account No. \_\_\_\_\_ for any fees that may be due by this paper

### AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 06-0510

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

Donald C. Feix

SIGNATURE OF PRACTITIONER

Reg. No. 19,328

Donald C. Feix

(type or print name of practitioner)

Tel. No.: (650) 342-4508

241 North San Mateo Drive

P.O. Address

Customer No. IDON 302 565

San Mateo, CA 94401

Donald C. Feix, A Professional Corporation

10745

3/8/2001

600.00

TO THE COMMISSIONER OF PATENTS & TRADEMARKS  
ORDER OF

Six Hundred and 00/100

ASSISTANT COMMISSIONER FOR  
PATENTS  
WASHINGTON, D.C. 20231

F1418P filing fees, ext. time, surcharge

*William De Luca*



10745 1210428821016 5042649

# POST CARD

DONALD C. FEIX  
A PROFESSIONAL CORPORATION  
241 NORTH SAN MATEO DRIVE  
SAN MATEO, CA 94401



☒ **Missing Part** Assistant Commissioner for Patents - Washington, D.C. 20231  
☐ Box Assistant Commissioner for TM's - 2900 Crystal Drive, Arlington, VA 22202-3513

The stamp of the U.S. Patent and Trademark Office  
herein acknowledges receipt of the following:

Dkt. No. F1418P ☐ TM ☐ Pat Utility ☐ Pat Design ☐ Provisional Pat.

Applicant(s) ~~Patent~~ Nicholas De Luca, et al.

Serial No. ~~Patent~~ 09/717,782

Filed ~~Patent~~ Nov. 21, 2000

Title ~~Patent~~ Inflatable, Cushioning, Bubble Wrap Product Having

Multiple, Interconnected, Bubble Structure

☐ Transmittal(s) (Pages ☐ ) ☐ Assignment

☐ Specifications - Application (Pages ☐ ) ☐ Trademark Specimens

☐ Claims (Pages ☐ ) Abstract (Pages ☐ ) ☐ Small Entity Statement

☐ Sheet(s) Formal or Informal Drawings ☒ Certificate of Mailing

☐ Declaration & Power of Attorney (7 pages) ☐ 37 CFR 1.8A

☒ Other: Completion of Filing Requirements - Nonprovisional app

☒ Check No. 10745 Amount \$600.00 For: filing fee, 2 mos.

☒ Date Mailed: March 8, 2001 ext. and surcharge

SF Express Mail Label: EK846489936US

DCF

BEST AVAILABLE COPY